

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

IN RE:)	No. 3:06-MD-1760
)	
AREDIA® and ZOMETA® PRODUCTS)	
LIABILITY LITIGATION)	JUDGE CAMPBELL
)	
(MDL No. 1760))	
)	MAGISTRATE JUDGE BROWN
This Document Relates to Case No.:)	
Case No. 3:06-CV-0522)	
Case No. 3:06-CV-0499)	
Case No. 3:06-CV-0516)	
Case No. 3:06-CV-00814)	
Case No. 3:06-CV-00859)	
)	

**OBJECTIONS TO REPORTS AND RECOMMENDATIONS
RELATING TO SERVICE OF PLAINTIFF FACT SHEETS**

Plaintiffs Georgiann Wilson, Diann Romero, Carol King, Maria Della Franco and Edward Fleming hereby respond/object to the Reports and Recommendations of Magistrate Judge Brown as follows:

Georgiann Wilson, Case No. 3:06-CV-0522

On December 26, 2006, plaintiff Georgiann Wilson served a Plaintiff Fact Sheet, as required by the Case Management Order [DE 89]. Plaintiff Wilson believed the PFS to be complete in all material respects; Novartis did not, and asked Ms. Wilson to provide additional information. When the responses were not timely served, Novartis filed a motion for an Order to Show Cause directing plaintiff Wilson to explain why her case should not be dismissed. However, on August 16, 2007, four days prior to the filing of Novartis' motion, Ms. Wilson did, in fact, serve her supplemental

responses. In telephone conversations and written correspondence with Novartis' counsel, Novartis deemed any deficiencies to be substantially cured by the supplemental responses. (*See* September 24, 2007 electronic mail from counsel for Novartis, Exhibit A). Plaintiff Wilson respectfully requests that the Court reject the Report and Recommendation of Judge Brown to allow her case to go forward.¹

Diann Romero, Case No. 3:06-CV-0499

The same explanation applies to Ms. Romero's case. Ms. Romero served her Plaintiff Fact Sheet on December 14, 2006. Upon review of her PFS, Novartis requested additional information. Ms. Romero served her supplemental PFS responses on August 20, 2007, the same day Novartis filed its Order to Show Cause Application. On September 24, 2007, Novartis acknowledged that any deficiencies were substantially cured (*See* Exhibit A). Plaintiff Romero respectfully requests that the Court reject the Report and Recommendation of Judge Brown to allow her case to go forward.

Carol King, Case No. 3:06-CV-0516

Ms. King served her original Plaintiff Fact Sheet on December 26, 2006. In response to a deficiency letter from counsel for Novartis, Ms. King served supplemental responses on August 14, 2007. Each of the questions in the PFS has now been answered. The only items remaining to be provided are certain employment authorizations and an original declaration attesting to the veracity of the supplemental responses. On October 10, 2007, Ms. King advised us that she will deliver those

¹ Plaintiff's counsel anticipated that the disputes relating to the Plaintiff Fact Sheets discussed in this memorandum and others were going to be resolved prior to the response dates of the various Order to Show Cause applications filed by Novartis. While the parties were discussing possible resolutions, the response dates expired. Plaintiff's counsel should have advised the Court that the parties were attempting to reach an agreement on the unsettled issues rather than not respond to the motions. Plaintiff's counsel apologizes to the Court for requiring it to do additional work.

documents to our office by Friday, October 12, 2007. We will promptly forward them to Novartis' counsel. Plaintiff King respectfully requests that the Court reject the Report and Recommendation of Judge Brown to allow her case to go forward.

Maria Della-Franco, Case No. 3:06-CV-00814

On September 13, 2007, plaintiff's counsel advised counsel for Novartis that Ms. Della-Franco wanted to dismiss her case and forwarded a Stipulation of Dismissal to Novartis' counsel for signature. Based upon conversations with Novartis' counsel, plaintiff expects to receive the Stipulation within the next couple of days and will file it promptly.

Edward Fleming, Case No. 3:06-CV-00859

On September 13, 2007, plaintiff's counsel advised counsel for Novartis that Ms. Della-Franco wanted to dismiss her case and forwarded a Stipulation of Dismissal to Novartis' counsel for signature. Based upon conversations with Novartis' counsel, plaintiff expects to receive the Stipulation within the next couple of days and will file it promptly.

Dated: October 10, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2007 a true and correct copy of the foregoing **OBJECTIONS TO REPORTS AND RECOMMENDATIONS RELATING TO SERVICE OF PLAINTIFF FACT SHEETS** will be served via electronic transmission on those persons identified on Schedule B-Panel Attorney Service List as of November 14, 2006 (DE 188).

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